NORTHERN DISTRICT OF	NEW YORK	
RASHAUN BLANFORD,	X	
	Plaintiff,	DECLARATION OF SARAH DEROCCO
-against-		SAME DERIVOCCO
CORRECTION OFFICER S.	BANKS, et al.,	21-CV-0231
	Defendants.	TJM/CFH
	X	

SARAH DEROCCO, on the date noted below and pursuant to § 1746 of Title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

- 1. I am a Registered Nurse with a license to practice in the state of New York. I received my nursing degree from Mohawk Community College in 2008. I have been practicing as a Registered Nurse since 2008.
- 2. I am currently employed by the New York State Department of Corrections and Community Supervision ("DOCCS") as a Registered Nurse at Marcy Correctional Facility ("Marcy"). I have been employed by DOCCS for approximately 2 years and have been assigned to Marcy for my entire career with DOCCS.
- 3. As a Registered Nurse at Marcy, my duties include, among others, providing health services to incarcerated individuals housed at Marcy on a regular and emergent basis.
- 4. I am a Defendant in the above-captioned action and submit this declaration in support of Defendants' motion for summary judgment.
- 5. This information contained herein is based upon my personal knowledge, a review of the records kept in the usual course of business by DOCCS, and DOCCS policy and procedures.

- 6. It is my understanding that Plaintiff claims I was deliberately indifferent to his serious medical needs beginning on February 2, 2021, when I treated him following a documented use of force. Specifically, Plaintiff claims that I failed to treat pen tips that Plaintiff allegedly inserted into his penis and did not transfer Plaintiff to an outside hospital for treatment.
- 7. Plaintiff's claims asserted against me are patently false. On February 2, 2021, I provided Plaintiff medical treatment that, in my professional medical judgment, was appropriate for his medical condition. Based on my thorough evaluation of Plaintiff, I made the determination, using my professional medical judgment, that transfer to an outside hospital was not medically necessary. I was not deliberately indifferent to any of his medical needs.
- 8. On February 2, 2021, while working in the Marcy infirmary, Plaintiff was brought to the infirmary to be evaluated following a documented use of force. I evaluated Plaintiff's medical condition at approximately 12:38 p.m. and completed a use of force inmate injury report, a copy of which is attached hereto as **Exhibit A**.
- 9. Plaintiff initially presented as quite agitated and stated to me "I have a pen in my dick, you're going to have to send me out." The alleged insertion of the foreign body into Plaintiff's penis was not witnessed by staff members. *See* Exh. A.
- 10. Security staff performed a strip frisk of Plaintiff, which is a standard procedure upon entry into the emergency room and reported to me that they did not observe any trauma to Plaintiff's penis. *See id.*
- 11. I then viewed Plaintiff in boxer shorts and did not observe any health problems to Plaintiff's genitalia.
- 12. In addition to visually evaluating Plaintiff's condition, I consulted with the Marcy provider, Nurse Practitioner Corigliano ("NP Corigliano"). With regards to the alleged foreign

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body in Plaintiff's penis, NP Corigliano advised me to continue to monitor Plaintiff and that the foreign body would likely pass when Plaintiff urinated. *See id.* 

- 13. At the conclusion of my examination of Plaintiff, he was highly agitated and remained fixated on being sent to an outside hospital. I advised Plaintiff at that time there was no medical necessity for him to be sent to a hospital.
- 14. Other DOCCS Health Services staff members and I continued to provide treatment to Plaintiff following my interactions with him on February 2, 2021.
- p.m. Plaintiff was evaluated by RN Matos on February 2, 2021, at approximately 4:10 p.m. Plaintiff again demanded that he be sent to an outside hospital. RN Matos did not observe Plaintiff to be in any distress and advised Plaintiff that he could not be sent to an outside hospital because there was no medical emergency. Plaintiff became belligerent and the encounter had to be terminated. A copy of Plaintiff's Ambulatory Health Record for February 2021 is attached hereto as **Exhibit B**.
- 16. On February 3<sup>rd</sup> and February 4<sup>th</sup>, I stopped at Plaintiff's cell while on medical rounds. On each of these occasions, Plaintiff made no complaints about the alleged pen tips in his penis, nor did Plaintiff appear to be in any distress. See Exhibit B.
- 17. On February 10, 2021, Plaintiff again complained of the alleged pen tips in his penis. Plaintiff advised that he was not having any difficulty urinating. I advised Plaintiff that I would notify NP Corigliano for follow-up.
- 18. On February 12, 2021, NP Corigliano examined Plaintiff at approximately 8:50 a.m. and did not observe any irritation to Plaintiff's urinary meatus, Plaintiff did not appear to be in any pain, and NP Corigliano reported that she was able to move and manipulate the shaft of Plaintiff's penis without concerns. NP Corigliano determined there was no evidence of a foreign

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body in Plaintiff's penis and that a trip to an outside hospital was unnecessary. NP Corigliano ordered a urine sample be taken from Plaintiff for urinalysis and culture with sensitivities to determine if any other issues existed such as infection or blood in Plaintiff's urine which is typical of trauma to the genitalia. See Exhibit B.

- 19. On February 16, 2021, Plaintiff refused to provide a urine sample for urinalysis.

  <u>See</u> Exhibit B.
- On February 18, 2021, at approximately 11:20 a.m., I received a letter from Plaintiff alleging that he was being denied medical care for the alleged pen tips in his penis. After consulting with NP Corigliano, a new order for urinalysis was written. At approximately 6:50 p.m., I performed a straight catheterization of Plaintiff's urethra wherein I obtained Plaintiff's urine sample. The urine appeared normal, as it was clear with a yellow tint. Plaintiff's urine was sent for analysis. During this procedure, Plaintiff was unable to provide a consistent answer, when asked, as to when he was last able to urinate. Plaintiff initially stated it had been almost a week since he last urinated, which I deemed unlikely based on my examination. See Exhibit B.
- 21. After multiple examinations by multiple DOCCS health services providers, in addition to Plaintiff's inconsistent complaints, and with no observation of Plaintiff in distress, I determined, using my professional medical judgment, that Plaintiff was not experiencing a medical emergency, and a trip to an outside hospital was not warranted. See Exhibit B.
- 22. Out of an abundance of caution, I requested that my supervisor, NP Corigliano, assist me in evaluating Plaintiff's condition. NP Corigliano agreed with my findings and did not note any symptoms of a foreign body in Plaintiff's penis and concurred that a trip to an outside hospital was not medically necessary. See Exhibit B.

23. At no point in time have I ever been indifferent to an individual's medical condition, including Plaintiff's. In the instant matter, Plaintiff did not present with any symptoms of a foreign body in his penis despite multiple thorough evaluations of his condition on February 2, 2021, and continuing evaluations by multiple DOCCS Health Services staff members in February 2021. Furthermore, Plaintiff was uncooperative with treatment on numerous occasions when I and other DOCCS Health Services staff members attempted to treat him.

24. At all times in dealing with Plaintiff, I conducted myself in accordance with my responsibilities as a Registered Nurse, in a manner consistent with the regulations of DOCCS and what I understood my obligations under state and federal law to be.

Dated: Marcy, New York September 32, 2022

Sarah DeRocco

# Exhibit A

FORM 2104.1ADD (4/12)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Ref. Directive #4944, 4004

## **USE OF FORCE REPORT - PART B - ADDENDUM**

FACILITY WORLY 495	Date & Time of Incident	Facility	Use of Force Log #	21-019
INMATE NAME SAN FOYA;	Rashulun	18 B0908	tion A2-47,	<u>,                                     </u>
PHYSICAL EXAMINATION / TR	EATMENT - DETAIL			
EXAMINER'S NAME AND TITLE	co RNI		me of Examination   みるし 1838	'pm.
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EXAMINER'S SIGNATURE AND DATE	212121			

FORM 2104.1ADD (4/12)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Ref. Directive #4944, 4004

#### **USE OF FORCE REPORT - PART B - ADDENDUM**

FACILITY Date & Time of Incident	Facility Use of Force Log #	21-019
INMATE NAME Blanford, 120 Shown 18	B0908 A2-47,	,
PHYSICAL EXAMINATION / TREATMENT - DETAIL	100108 1101 47	
EXAMINER'S NAME AND TITLE S. DETZOCLO RNII	Date & Time of Examination	3pm.
OD (Right)  OS (Left)	BACK	
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EXAMINER'S SIGNATURE AND DATE  2012121		

#### Case 9:21-cv-00231-TJM-CFH Document 100-8 Filed 09/28/22 Page 9 of 26

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

FORM 2104.1 (4/12) There are other **USE OF FORCE REPORT (CONT'D)** reports filed under this Ref. Directive #4944, 4004 Use of Force Log # Date & Time of Incident Facility Use of Force Log # **FACILITY** WVL DIN If Unusual Incident, CCC Log # INMATE NAME PART B - PHYSICAL EXAMINATION / TREATMENT REPORT Date & Time of Examination **EXAMINER'S NAME AND TITLE** W 140(40) MEDICAL REPORT (INDICATE DATE & TIME OF EXAMINATION, DESCRIBE EXTENT OF ANY INJURIES, AND DESCRIBE TREATMENT PROVIDED) med **EXAMINER'S SIGNATURE AND DATE** PART C - REVIEW AND EVALUATION BY SUPERINTENDENT

SUPERINTENDENT'S SIGNATURE AND DATE

# Exhibit B

Case 9:21-cv-00231-TJM-CFH Document 100-8 Filed 09/28/22 Page 11 of 26 K DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERV incoming draft medical screening Facility of origin: / Ti Regultes signilanguage interpreter corvices ☑ No known allergies ☑ Allergic to: (food and/or medications) 교육사 Allernies: Vital Signs: Temp Puise 02 Sat Resp BP Height Weight Date of last physical exam: 4 Last optometry exam: Wears glasses Date of last dental exam: Dental concerns: PPD Information: Latest test date: 9/25/19 Result: Negative Positive Previous date: 9 19/16 Result: Negative Positive Quantiferon: Test date: 1/25/2/ Result: 100000 Problem List attached Immunizations up to date? No Current Medical Complaints: None X Yes (specify) In Moute C aims pen Denis Medical Level: 2 Significant Medical History: Asthma/COPD Cardiovascular/HTN Gastrointestinal Orthopedic Bleeding disorder Diabetes Infectious Disease Pregnancy Cancer (specify): Hearing Impaired Visually Impaired Other dx (specify): hombocytope rhinitic Medications: Medication list/CIPS printout attached Inmate is not currently taking medications Name Dose Route Frequency Additional med SINOPI list is attached Surgical History: Current Mental Health Complaints: None Yes (specify): \_\_\_\_\_ Mental Health Diagnosis/History: SUICICE temot Mental Health Medications Dose Route Frequency Additional mental health med list is 200 attached Pending/Scheduled Consults: Current permits: Medical devices, equipment, CPAP, TENS, etc.: Other comments: RN completing form: Signature Provider Notes Additional notes/orders on AHR

Date:

Time 000398

Form 3297 (9/2017)

Signature

File: Ambulatory Health Record Section

Provider #

#### Case 9:21-cv-00231-TJM-CFH Document 100-8 Filed 09/28/22 Page 12 of 26 STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERMICH Health Screening for Reception/Classification, Transfers, SHU, Separate KL Unit, or Adolescent Offender Admissions Name Blanford Name Blanford DIN 1880908 DOB Facility Attack Date of Assessment 3-4-2-1 Allergies Section A: General Health- Inquiry and Response from the inmate (Adolescents only: Height:\_\_ Questions- Check each box with the appropriate response No Yes If yes, MUST be specified Do you have any current health problem or complaints? Do you take any medications, prescribed or OTC? Y Have you ever had chicken pox? X Do you have any Vision or your eyes? problem with Hearing or your ears? your... Teeth or your mouth? Cough/phleam? Blood in phleam? Do you presently Weakness? have any of these Weight loss? symptoms... Loss of appetite? Sweating at night? Other? Do you have a living will/health care proxy/ advance directive? If no, would you like information? TB? Hepatitis? Have you ever Any sexually transmitted disease? had... HIV? Do you want an HIV test or information? Are you currently being treated, or have ever been treated for gender dysphoria or have a desire to become or be treated as another gender? Have you ever abused alcohol or other drugs? If yes, have you had alcohol or substance abuse treatment? For females only: Is there a possibility that you are pregnant? Section B: General Health Appearance-Observations Questions: No Yes If yes, MUST be specified Are there any body deformities or amputations? Does the inmate need an assistive device to ambulate? Are there any skin discolorations (e.g. bruises)/lack of turgor? Are there any lesions or rashes? Are there any cuts or evidence of trauma? Are there any recent tattoos? Are there any needle marks? Comments: Referrals: No referrals needed at this time Referral to Dentist Referral to Clinician: Pen caps to Dentis (For all transfers or SHU/Separate Ki. Unit admissions)

Signature of RN

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STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OUTDRAFT/TRANSFER MEDICAL SCREENING

Name: Blanford, Bastoun DOB: 5/27/96 DIN: 18/30908 Current Facility: Marcy
Allergies: □ No known allergies [文] Allergies (meds, food etc.) <u>ெயிச் செற</u>
Hepatitis A/B/C:
PPD Information: Date: 9/35/19 Result: Negative Positive mm
Quantiferon: Date: 1/25/21 Result: 1/68
HIV Screening: Date: 9/4/14 Result: Negative Positive Refused (Date-if known)
Medical History: hx hunger strile, HTN (no meds), allergic rhinits
Surgical History: (P) hand 2017 (Syracuse)
Medications: @ med:cal meds curvently
☐ Med list attached Med Level
Mental Health History: multiple Suicide attempt, Munger Strikes, Omit level 15
Medications:
☐ Med list attached Med Level
Pending/Scheduled Consults:   Recommendations:
Current Permits/Restrictions:
Comments:
Completed by: \( \frac{\gamma \text{N white for PW}}{RN Signature}  \frac{\pm \text{H H 3}}{\text{Provider#}}  \frac{\frac{3/4/2}{3/2}}{\text{Date}}  \frac{750}{\text{Time}}

\*\*This information is protected under PKL Law 27F prohibiting further disclosure.

A general authorization is not sufficient for release\*\*

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TORM 3105A (7/13.)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
AMBULATORY HEALTH RECORD PROGRESS NOTE

Name Blak-ford, Rachalles PSB	MC.	Date of Birth	Facility Name
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FORM 3105A (7/1-1-)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AMBULATORY HEALTH RECORD PROGRESS NOTE

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FORM 3105 A (71.1.) STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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FORM 3105A (7/1.1) STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AMBILATORY HEALTH RECORD PROGRESS NOTE

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FORM 3105A (7/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AMBRIT A TORY HEAT THERECORD PROGRESS NOTE.

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FURM: 3105A (7/ 3.1)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
AMBULATORY HEALTH RECORD PROGRESS NOTE

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FORM 3105A (7/3.1)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

AMBULATORY HEALTH RECORD PROGRESS NOTE

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FORM 3105A (7/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AMBULATORY HEALTH RECORD PROGRESS NOTE

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FORM 3105A (7/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AMBULATORY HEALTH RECORD PROGRESS NOTE

Name Blanford, Rathaun 1880905 Date of Birth Facility Name Stanford, Rathaun 1880905 S-2790 VGS One-com
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Provider Orders:
Assessment: NA wolfied will bring out for VS+
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Signature/Provider # Story RN Transcribing Order/Provider #/Date/Time
Subjective: Grallery Watch Rounds Last Name Blanford, Rashaun
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and calmy stated to this number Date 2/5/21 Time 1548  Objective: he was going to east because Provider Orders: that that information
Assessment: Set x-rayed. This nurse informed the act to eat. I'm
Objective: That he was going to east because That he was going to east because That he was going to east because The knows that he is going out to Provider Orders: that that information he knows that he is going out to Provider Orders: that that information Assessment: get x-rayed. This nurse informed I'm idea to eat. I'm  15 wit allowed to be given but it is a good idea to eat. I'm  15 wit allowed to be given but it is a good idea to eat. I'm  15 wit allowed to be given but it is a good idea to eat. I'm  16 was asked it he would allow us to be taken this evening  Plan: Was asked it he would allow us to be taken to reported to the time.
Plan: Was asked it he would allow US to be taken this every plan: Was asked it he would allow US to be taken this time.  and he agreed No Sto of distress observed or reported @ this time.  and he agreed No Sto of need to see In for US. Will cont. to
and he agreed No Sto of distress observed or so will conte to Sol Brever notified of need to see I'm for Us. Will conte to Sto Brever notified of need to see I'm for Us.
Signature/Provider #M-10h Tataka Putt Branscribing Order/Provider #/Date/Time 45/24/1548

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FORM 3105A (7/11) STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AMBULATORY HEALTH RECORD PROGRESS NOTE

	and the control of th
Blonford Rashaun 1860	
Subjective: PETP/Addleycoate	Dast Name BURSHYEL
Limaltanbulator	1 DIN 1813 6908 Location 49144
Objective:	
Whato & Medica Assessment:	Provider Orders:  Office of the Provider Orders:
Plan: Will continue to	month
Signature/Provider # SKN Transcribin	ng Order/Provider #/Date/Time
Signature/Provider # F V 1: SSRN Transcrion	g Order/Provider #/Date/ I ime
Subjective: OM MIDLES —	Last Name Bluntovel
notified lan coo on	DIN (BB 0908 Location LOCATION CONTROL DIN
Objective: John Hat In de	Date Date Time
water that are a	
Assessment: Eat this am	phospook the
has retused #7 St	,0
denne toment	- vom women
Signature/Provider # Status RN Transcribin	ng Order/Provider #/Date/Time
	<u> </u>
Subjective: galley l'il rounds	Last Name Blonford
Objective: Sweety, on bunk	DIN 1880908 Location WHU
Objective: Swety on bunk	Date $2 - 4 - 3$ Time $-3332$
Q 262 04 200	Provider Orders:
Assessment: Oovool contraction	ter
No. of the control of	
Signature/Provider #RN Transcribin	g Order/Provider #/Date/Time

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FORM 3105A (7/3-1) STATE OF NEW YORK - DEPARTMENT OF CORRECT AMBULATORY HEALTH RECC					
Name DIN	Date of Birth Facility Name				
Manhod, Basherin 1186090	X 1212116 181664 150 -				
Subjective: 1.1 Gallery Watch Round	Last Name Blanford, R.				
I'm up to hatch using vulgar language	4 DIN 1813/08-08 Location 32-50				
Objective: Watch. At nurse's approach	$i^{\text{th}}$ Date $\frac{\partial J_3/\partial I}{\partial I}$ Time $\frac{J_5^{33}}{I}$				
I'm stopped yelling @ officer and s	Provider Orders: "I don't tela				
Assessment: Meds now." Then I'm continue	ed using vulser language to C.U.				
No sis of physical distress obs	ened and Im voiced ho				
Plan: complaints to this nurse. Wi					
Addendin @ 1635 - Im refused dinner tray count - ref. meal #4 m. whiteless					
Signature/Provider # M. Whattola RN Transcribing Orde	er/Provider #/Date/Time $\frac{\partial}{3}/3/3/15^3$				
Subjective: galley lil rounds	Last Name Blanford				
310-					
Inmore resting	Date <u>0-4-21</u> Time <u>0/35</u>				
Objective: Enrole resting  Objective: Suictly, 0595 of  Assessment: distress nowad  Contract to m	Provider Orders:				
Assessment: distress for	Jedh				
contine					
Plan:					
Signature/Provider # RN Transcribing Orde	er/Provider #/Date/Time				
	arriovide #/Date/Time				
Subjective: RUTH GOULLY WAXER	Last Name Blantold				
Inmate laying on bull	DIN BOOK Location (AMT)				
Objective and a controlled - In	Date DIYIN Time TISCH				
office and refused to	Provider Orders: VOL				
Assessment: Conclude Consider	La Med Rigusal				
Plan. Ihmatl ded eat 18tys	Sipply Comments				
COULT LENDINGE H	10 Const				
Signature/Provider# RN Transcribing Orde	er/Provider #/Date/Time				

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FORM 3105A (7/1-1)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AMBULATORY HEALTH RECORD PROGRESS NOTE

Name Blanksock Cashaun	DIN USESSOS	Date of Birth	Facility Name
	The second secon	Last Name Slands	
Subjective: Callery 1-1 World Rounds		DIN <u>1880908</u>	The state of the s
Objective: Im up at cell		Date $\frac{2/3}{21}$	Time 2 35
no signs/symo	toms of	Provider Orders:	
Assessment: 015 the 55 will	continue		
Plan:			
Signature/Provider # M	RN Transcribing Order/F	Provider #/Date/Time	
Subjective: Addles Water	hells	Last Name Blan	tord
The state hall de	Le holtel	DIN 18B2908	Location 2mHC
Objectives mod Rds-	Dould	Date 23/07	Time <u>MISA</u>
Of the state of th	in do	Provider Orders: Mll	ds-counds
Assessment: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		ntimeles	
Plan: A to Suff	,	Don't be	atraid
ame, Ilm, not	donne	doony	there to
	RN Transcribing Order/F	Provider #/Date/Time	
Subjective: LDM. 1 TMMOL-	Helania	Last Name	
political trains	1001	DIN	Location
Objective. O C	West 100	Date	Time
evenly and Bro	SHTW	Provider Orders. V	
Assessment: NW to Mt	nutic	man A.A.	1 Awald
Plan:	And the state of t	(37Y) 1C	43
		Will's	[90]
Signature/Provider#	RN Transcribing Order/F	rovider #/Date/Time	

Case 9:21-cv-00231-TJM-CFH Document 100-8 Filed 09/28/22 Page 26 of 26 FORM 3105A (7/11) AMBULATORY HEALTH RECORD PROGRESS NOTE nangsc for Location / LIVI Mgo Mrbville Bloders: SMa Inferce Home + actionation RN Transcribing Order/Provider #/Date/Time Blantord Subjective: Gallery Roand Last Name Inmate ambulatory in cell. Gait steady. No distress. No complaints to medical. DIN\_ 18 B 0908 Location <u>BR-50</u> Time 2:05 P49 Provider Orders: Assessment: Will continue to monitor. Plan: Signature/Provider # Muhsto 434 RN Transcribing Order/Provider #/Date/Time Last Name Blanterd Inmate ambulatury in cell. Gait Location 32-50 DIN 1880908 Steady Seen cellside for 90 "Severe pain in penis" per Date 2/2/21 co on watch. Inmate is in Provider Orders: distress. No grimacing, no quading. This issue already Assessment: addressed by provider earlier to day to immake claimed be mosecol W05 Plan:

Tylewol, refuses. States "you have to send me out The opening of the place did Informed not a medical consequing re/Provider # 10 warrant RN Transcribing Order/Provider #/Date/Time Makale 45000413 términated: Will continue to montes

"inot extens